

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

TRANSLATION
PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:

Date of mailing
(day/month/year)

See form PCT/ISA/210

Applicant's or agent's file reference

O. Z. 6395-WO

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/EP2005/053946

International filing date (day/month/year)

10.08.2005

Priority date (day/month/year)

07.10.2004

International Patent Classification (IPC) or both national classification and IPC

**B32B27/08, B32B27/34, F16L11/04, C08L77/08, C09J177/08,
C08G69/26, B60K15/01**

Applicant

DEGUSSA AG

1. This opinion contains indications relating to the following items:



Box No. I

Basis of the opinion



Box No. II

Priority



Box No. III

Non-establishment of opinion with regard to novelty, inventive step and industrial applicability



Box No. IV

Lack of unity of invention



Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement



Box No. VI

Certain documents cited



Box No. VII

Certain defects in the international application



Box No. VIII

Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/EP

Authorized officer

Facsimile No.

Telephone No.

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/EP2005/053946

Box No. I

Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language
_____, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

WRITTEN OPINION OF THE
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International application No.
PCT/EP2005/053946

| Box No. V | Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement | | | | | | | | | | | | | | | |
|--------------------------------|--|-------------|--------------------|-----|--------------|----|---------------------|--------------------|-----|--------------|----|-------------------------------|--------------------|-----|--------------|----|
| 1. Statement | <table><tr><td rowspan="2">Novelty (N)</td><td>Claims <u>1-16</u></td><td>YES</td></tr><tr><td>Claims _____</td><td>NO</td></tr><tr><td rowspan="2">Inventive step (IS)</td><td>Claims <u>1-16</u></td><td>YES</td></tr><tr><td>Claims _____</td><td>NO</td></tr><tr><td rowspan="2">Industrial applicability (IA)</td><td>Claims <u>1-16</u></td><td>YES</td></tr><tr><td>Claims _____</td><td>NO</td></tr></table> | Novelty (N) | Claims <u>1-16</u> | YES | Claims _____ | NO | Inventive step (IS) | Claims <u>1-16</u> | YES | Claims _____ | NO | Industrial applicability (IA) | Claims <u>1-16</u> | YES | Claims _____ | NO |
| Novelty (N) | Claims <u>1-16</u> | | YES | | | | | | | | | | | | | |
| | Claims _____ | NO | | | | | | | | | | | | | | |
| Inventive step (IS) | Claims <u>1-16</u> | YES | | | | | | | | | | | | | | |
| | Claims _____ | NO | | | | | | | | | | | | | | |
| Industrial applicability (IA) | Claims <u>1-16</u> | YES | | | | | | | | | | | | | | |
| | Claims _____ | NO | | | | | | | | | | | | | | |
| 2. Citations and explanations: | <p>Application documents:</p> <p>Description: 1-13 Claims: 1-16</p> <p>Prior art:</p> <p>D1: US 2002/142118 A1 (SCHMITZ GUIDO ET AL) 3 October 2002 (2002-10-03)</p> <p>D2: US-A-5 763 034 (NISHINO ET AL) 9 June 1998 (1998-06-09)</p> <p>D3: WO 97/12758 A (W.R. GRACE & CO.-CONN) 10 April 1997 (1997-04-10)</p> <p>D4: US-B1-6 170 534 (NOONE DAVID L ET AL) 9 January 2001 (2001-01-09)</p> <p>Claim 1, novelty and inventive step:</p> <p>The present claim 1 describes a multi-layer composite, consisting of an internal layer I, an adhesion promoter layer II and an EVOH layer III.</p> <p>D1 describes layers II and III, but does not mention any layer I composed of a fluoropolymer and a polyolefin.</p> <p>Starting from the closest prior art, D1 (cited in the present</p> | | | | | | | | | | | | | | | |

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Box No. V Reasoned statement under Rule 43bis.1(a)(I) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

description as the family-member document EP 1 216 826), the technical problem was that of improving the barrier effect of a pipe towards alcohols. It was also intended that the internal layer should exhibit an improved barrier effect towards water.

This technical problem is solved by the selection of the internal layer I from a fluoropolymer and a polyolefin moulding compound.

The present claim 1 therefore meets the requirements of PCT Article 33(2) (3) .

Further, dependent claims:

All further claims refer back to claim 1 and therefore likewise meet the conditions of PCT Article 33(2) and (3) .